

1 I. NEEL CHATTERJEE (State Bar No. 173985)  
nchatterjee@goodwinlaw.com  
2 GOODWIN PROCTER LLP  
135 Commonwealth Drive  
3 Menlo Park, CA 94025-1105  
Telephone: 650-752-3100  
4 Facsimile: 650-853-1038

5 MONTE COOPER (State Bar No. 196746)  
mcooper@orrick.com  
6 ROBERT L. URIARTE (State Bar No. 258274)  
ruriarte@orrick.com  
7 ORRICK, HERRINGTON & SUTCLIFFE LLP  
8 1000 Marsh Rd.  
Menlo Park, California 94025  
9 Telephone: 650-614-7400  
Facsimile: 650-614-7401

10 Attorneys for Plaintiff  
11 FACEBOOK, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 POWER VENTURES, INC. a Cayman Island  
20 corporation, STEVE VACHANI, an individual;  
DOE 1, d/b/a POWER.COM, DOES 2-25,  
21 inclusive,

22 Defendants.  
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Case No. 5:08-cv-05780-LHK

**DECLARATION OF MONTE COOPER  
IN SUPPORT OF FACEBOOK'S  
MOTION FOR ATTORNEYS' FEES**

Dept: Courtroom 8, 4th Floor  
Judge: Hon. Judge Lucy H. Koh

I, Monte Cooper, hereby declare and state as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record to Facebook, Inc. in the above-captioned matter. I am a member in good standing of the Bars of the States of California and Colorado. I make this declaration based on my personal knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set forth herein.

2. Pursuant to Civil Local Rule 54-5(b), this declaration accompanies Defendants' Motion for Attorneys' Fees.

3. Facebook contacted Defendants on May 9, 2017 to meet and confer about this motion for attorneys' fees, in accordance with Civil Local Rule 54-5(a) & (b)(1). While Defendant Vachani was willing to discuss the matter by telephone, Power Ventures, while initially agreeing to meet and confer on either May 15 or May 16, 2017, declined thereafter to communicate further with Facebook. Because Power Ventures was unable or unwilling to meet and confer on the dates it had suggested it was available, no conference was held. Facebook sent multiple requests to schedule the meet-and-confer required by Civil Local Rule 54-5. Facebook also communicated all of its positions to both Defendants by email as part of its multiple requests to schedule a meet-and-confer.

4. The tables below reflect the amount of legal fees expended by Facebook, Inc. specifically related to services billed by Orrick, Herrington & Sutcliffe LLP after the Ninth Circuit's December 2016 remand. The total bill comes to [REDACTED] reflecting the various billing rates of the Orrick attorneys and paralegal involved from December 2016, through April 2017. Billings for May 2017 have not been included. Counsel is prepared to produce the billing records for the Court's inspection as the Court deems appropriate.

**DECEMBER 2016**

TIMEKEEPER	RATE	HOURS SPENT	TOTAL AMOUNT BILLED
I. N. Chatterjee	[REDACTED]	[REDACTED]	[REDACTED]
M. Cooper	[REDACTED]	[REDACTED]	[REDACTED]

A. Dalton			
TOTAL			

**JANUARY 2017**

TIMEKEEPER	RATE	HOURS SPENT	TOTAL AMOUNT BILLED
I. N. Chatterjee			
M. Cooper			
R. Uriarte			
TOTAL			

**FEBRUARY 2017**

TIMEKEEPER	RATE	HOURS SPENT	TOTAL AMOUNT BILLED
I. N. Chatterjee			
M. Cooper			
R. Uriarte			
A. Dalton			
TOTAL			

**MARCH 2017**

TIMEKEEPER	RATE	HOURS SPENT	TOTAL AMOUNT BILLED
M. Cooper			
R. Uriarte			
A. Dalton			

	TOTAL
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**APRIL 2017**

TIMEKEEPER	RATE	HOURS SPENT	TOTAL AMOUNT BILLED
M. Cooper			
R. Uriarte			
A. Dalton			
TOTAL			

5. I am Of Counsel at Orrick, Herrington & Sutcliff LLP and helped to prepare the supplemental damages briefing in this matter, as well as the other relevant pleadings and communications with opposing counsel. I am a 1991 graduate of the University of Colorado Law School, who has been handling complex intellectual property cases for more than 20 years. I have practiced in the San Francisco and San Jose Bay area since 1999, and therefore am very familiar with what are the customary hourly charges for intellectual property litigators with comparable experience to my own, Mr. Chatterjee's, and the other associates and paralegals whose rates are referenced in this Declaration. All of the rates charged by the attorneys and paralegals at Orrick, Herrington & Sutcliffe and Goodwin Proctor are, to my knowledge, reflective of the customary rates charged by others of my own and their experience.

6. Neel Chatterjee was a partner at Orrick, Herrington & Sutcliffe LLP who oversaw this matter and supervised the preparation for supplemental damages briefing as well as the response to the motion to stay and Defendants' various letters. Mr. Chatterjee, a 1994 graduate of Vanderbilt Law School, is a first-chair intellectual property litigator who has extensive trial experience representing Fortune 500 companies like Facebook. His rates reflect the customary hourly charges for a first chair intellectual property litigator of his experience in the San Jose and San Francisco Bay Area.

7. Robert Uriarte is an associate at Orrick, Herrington & Sutcliffe LLP who prepared the supplemental damages briefing and assisted me and Mr. Chatterjee with respect to all matters for which attorney's fees are requested. Mr. Uriarte is a 2008 graduate of the University of San Diego School of Law with extensive experience over approximately nine years in complex intellectual property litigation. His rates reflect the customary hourly charges for an intellectual property litigator of his experience in the San Jose and San Francisco Bay Area.

8. Amy Dalton is a Senior Paralegal at Orrick, Herrington & Sutcliffe LLP with seventeen years of experience in intellectual property litigation, including trials. Her rates reflect the customary hourly charges for a senior paralegal knowledgeable about complex intellectual property litigation with her level of experience in the San Jose and San Francisco Bay Area.

9. Orrick maintains its time records through daily time entry application called CarpeDiem and its billing records through billing software called Aderant Expert. I have reviewed the billing records generated by that system, and from those records can attest to the accuracy of the billing figures recited in this Declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 16<sup>th</sup> day of May, 2017 in Menlo Park, California.

/s/ Monte Cooper /s/  
MONTE COOPER

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